

Our Ref: IM-FOI-2019-1353
Date: 24 June 2019



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

I would please like to know under the FOI Act:

1. The number of reports of domestic abuse, allegedly perpetrated by police officers, community support officers or staff members employed by Police Scotland, received by your force from 1 April 2018 to 31 March 2019. I would please like this to cover both domestic abuse related incidents and offences.

And for each report:

- 2. A brief description of the alleged wrongdoing without any personal information (if you can provide this)**
- 3. The outcomes of both the misconduct case and any criminal case**
- 4. Whether the report was referred to the IOPC**

And I would also please like:

- 5. Your policies and procedures relating to:**
 - a) domestic abuse in general, committed by any perpetrator and dealt with by the police**
 - b) domestic abuse incidents/offences where the police are perpetrators or victims**

Tackling domestic abuse is a priority for Police Scotland and we are committed to working with our partners to reduce the harm it causes and ultimately eradicate it. Domestic abuse is a despicable and debilitating crime which affects all of our communities and has no respect for ability, age, ethnicity, gender, race, religion or sexual orientation. Domestic abuse is not just physical or sexual abuse, it includes abusive behaviours, verbal, sexual, psychological or financial abuse and can be committed anywhere including online. It is often about power and control, with abusers seeking to use complex controlling behaviours to frighten, humiliate and isolate victims from those who can offer them support.

Where Police Scotland receives a report of domestic abuse it will be taken seriously, victims, whether they are members of the public or police staff/officers, will be listened to and their report thoroughly investigated. This is underpinned by the Victims and Witnesses (Scotland) Act 2014. Police Scotland is committed to developing a workplace culture in which there is

no tolerance for domestic abuse and which recognises that the responsibility for domestic abuse lies with the perpetrator.

Between the dates 1 April 2018 - 31 March 2019. Police Scotland have received 8 reports of domestic abuse related incidents and offences committed by police officers.

The following table provides a breakdown as requested for the 8 reports involving police officers, where you have requested a brief description of the alleged wrongdoing I have provided the allegation:

Allegation	Court outcome	Misconduct outcome
Assault Sec 38 CJ&L (S) Act	Not guilty	Live
Assault Sec 38 CJ&L (S) Act	Live	Live
Sec 39 CJ&L (S) Act	Not guilty	Improvement Action
Sec 39 CJ&L (S) Act	Live	Live
Assault Sec 38 CJ&L (S) Act Sec 39 CJ&L (S) Act	Live	Live
Sec 38 CJ&L (S) Act	Live	Live
Non-Criminal domestic incident	N/A	Improvement Action
Assault	Not guilty	Improvement Action

In relation to police staff, information was retrieved from Police Scotland's System to Co-Ordination Personnel and Establishment (SCOPE) database. Between the dates 1 April 2018 - 31 March 2019, only one case of domestic abuse related nature was reported. The criminal case did not proceed the disciplinary case did not progress to a hearing. IOPC does not operate in Scotland. The equivalent organisation is the Police Investigation and Review Commissioner (PIRC). None of the above cases were referred to PIRC.

The Domestic Abuse Standard Operating Procedure (SOP) is under review and is currently going through mandatory consultation. At this time there is no date when the updated version will be available. The existing Domestic Abuse Policy is publicly available on our website under the Access to Information menu or follow the link here

<https://www.scotland.police.uk/assets/pdf/151934/151938/domestic-abuse-policy?view=Standard>

Police officers are also subject to conduct regulations sop, which again can be found on the Police Scotland website.

<https://www.scotland.police.uk/assets/pdf/151934/184779/police-service-of-scotland-conduct-regulations-sop>

As such, in terms of Section 16 of the Freedom of Information (Scotland) Act 2002, I am refusing to provide you with the information sought. Section 16 requires Police Scotland when refusing to provide such information because it is exempt, to provide you with a notice which:

- (a) states that it holds the information,
- (b) states that it is claiming an exemption,
- (c) specifies the exemption in question and

(d) states, if that would not be otherwise apparent, why the exemption applies.

I can confirm that Police Scotland holds the information that you have requested and the exemption that I consider to be applicable is set out at Section 25(1) of the Act - information otherwise accessible:

"Information which the applicant can reasonably obtain other than by requesting it under Section 1(1) is exempt information"

Should you require any further assistance please contact Information Management – Edinburgh on 0131 311 3901 quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.pnn.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply online, by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information Disclosure Log in seven days' time.